

Memorandum

To: Ashbourne Expert Consenting Panel – Environmental Protection Agency

Date: 13 February 2026

From: Jeremy Hunt – AgFirst Agribusiness and Land Resource Consultant

Subject: National Policy Statement for Highly Productive Land – Memorandum Response for the Panel

Executive Summary

This memorandum responds to the Panel Minute regarding the application of Clause 3.10 of the National Policy Statement for Highly Productive Land (NPS-HPL).

In my professional opinion, based on the nature and characteristics of the Ashbourne Site, the relevant land is subject to permanent and long-term constraints that render land-based primary production economically unviable over a 30-year term.

While the Ashbourne Site is classified as LUC Class 2, classification alone does not determine economic viability under Clause 3.10. When assessed using a whole-of-enterprise commercial framework, including operating costs, fixed costs, capital servicing and long-term sustainability, the site does not meet the threshold required to sustain primary production over the long-term.

Accordingly, it is my opinion that the exemption pathway under Clause 3.10 of the NPS-HPL is satisfied.

Introduction

This memorandum responds to the planning comments relating to the NPS-HPL as outlined in the memorandum dated 3 February 2026 from Ms Tait.

The Applicant initially engaged me to assist with the response to comments in relation to the NPS-HPL. I provided direct input into the document titled “Applicants Response to NPS-HPL Comments Received” dated 18 November 2025.

My analysis and conclusions, particularly in relation to Clause 3.10 and economic viability, formed part of that memorandum. This memorandum summarises the key critical points from section 4.4 of that response and responds to the Panel Minute 14.



I have relied on the expert soil assessment of Dr Hill (Landsystems) in forming my views regarding the soil resource. I disagree with Ms Tait's conclusion regarding the applicability of Clause 3.10 to the relevant area of the Ashbourne Site.

The difference between Mr Walker's evidence and my assessment arises from differing interpretations of viability and the assessment of long-term economic sustainability in applying Clause 3.10.

This memorandum addresses only those areas subject to Clause 3.10 (approximately 28.5 ha). The solar development and greenway, which have a pathway under Clause 3.9, are not addressed.

Qualifications and Experience

I am an Agribusiness Consultant and Director at AgFirst Waikato (2016) Limited. I have worked in agribusiness and land resource management for almost eight years and have been a Director of AgFirst Waikato since 2020.

I hold a Bachelor of Environmental Science from the University of Canterbury (2004), have completed advanced sustainable nutrient management and soil conservation papers at Massey University, and hold a Land Use Capability Mapping Workshop Certificate. I am a member of the Institute of Rural Professionals (IRP).

My professional work focuses on land use capability, rural productivity and economic viability assessments. I have participated in District Council and Environment Court proceedings relating to the NPS-HPL, including Clause 3.6 and Clause 3.10 assessments, as well as mediation and expert witness conferencing.

I have also been involved in Fast-track projects requiring assessment under Clause 3.10, including the recently approved Sunfield Resource Consent (draft decision dated 10 February 2026). This experience has provided me with practical insight into the application of the Clause 3.10 exemption pathway in the Fast-track context.

Summary Position

I accept that the Ashbourne Site is mapped as predominantly LUC Class 2 and therefore constitutes Highly Productive Land under the NPS-HPL.

However, classification alone does not determine whether there are permanent or long-term constraints on the land such that land-based primary production is economically viable for at least 30 years, as required by Clause 3.10(1)(a).

In my opinion:

- The Ashbourne Site is subject to enduring biophysical and operational constraints
- Its scale and location materially limit viable production systems, meaning that the subdivision, use and development of the land does cause a significant loss, or the fragmentation of a cohesive area, of highly productive land
- When assessed using a whole-of-enterprise commercial framework, the land is not economically viable over a 30-year term

- The proposal satisfies all limbs of Clause 3.10

Points of Difference with Mr Walker

Economic Viability

Mr Walker defines economic viability primarily by reference to positive operating profit (EBITR/EFS), excluding the cost of capital associated with the land. In practice, land must service debt or provide a reasonable return on capital. A farming enterprise that cannot meet fixed costs, rates, depreciation and capital servicing, or provide a return on investment, is not economically viable in the ordinary commercial sense.

Clause 3.10 requires economic viability over 30 years. That requires whole-of-enterprise sustainability, not operating surplus in isolation.

Wetness and Drainage

While management may mitigate some effects, the wetness limitations identified by Landsystems are inherent to the soil profile. These constraints:

- Restrict year-round cropping
- Limit suitability for higher-value horticulture
- Reduce trafficability in wetter periods
- Increase long-term soil structural risk

Drainage does not alter soil type or remove inherent limitations, nor can a landowner change these underlying characteristics by providing artificial drainage. These are enduring constraints relevant to long-term economic reliability.

Scale and Isolation

The Ashbourne Site comprises approximately 31.1 ha and is bounded by existing rural-residential and residential zoning (with some of the surrounding area to the east being identified for urban development in the future), existing infrastructure, and the Waitoa River.

There are no realistic amalgamation opportunities. The site does not function as part of a large, cohesive, integrated productive block.

Economic viability must be assessed at the scale and configuration of the actual landholding. Reduced scale materially affects cost dilution and enterprise resilience.

Clause 3.10 Assessment

Clause 3.10(1)(a) – Long-Term Constraints

The site is subject to permanent or long-term constraints that materially limit economically viable land-based primary production, including:

- Inherent soil wetness and drainage limitations
- Although the site is largely classified as LUC 2, the more detailed analysis undertaken by Dr Hill (Landsystems) shows:
 - Fragmentation and non-productive areas

- Small and discontinuous pockets of more versatile soils
- Lack of amalgamation opportunities
- Urban-edge constraints and reverse sensitivity risks
- Capital servicing and fixed cost burdens relative to scale

While pastoral grazing or seasonal cropping may be physically possible, they do not generate sufficient surplus to meet whole-of-enterprise viability requirements over a 30-year timeframe. In my opinion, clause 3.10(1)(a) is therefore satisfied.

Clause 3.10(1)(b) – Avoidance and Fragmentation

The proposal concentrates development on land already constrained and fragmented. Although the wider district contains HPL, the subject site is not part of a large and geographically cohesive productive block due to existing physical and zoning boundaries. The Development does not fragment an integrated and cohesive HPL system.

Reverse sensitivity effects are appropriately managed through design and buffers, including the solar farm, the road to the north and the Waitoa River.

Clause 3.10(2) – Alternative Options

I have considered reasonably practicable alternatives, including:

- Arable and dairy support systems for alternative operations
- Improved drainage or land management
- Alternative grazing, rotation systems or cropping hybrids
- Irrigation or water reallocation
- Boundary adjustments or amalgamation
- Lease arrangements

None of these options materially overcome the Ashbourne Sites inherent soil limitations, small scale, fragmentation, and capital servicing constraints. The limited land area and soil characteristics significantly restrict the range and reliability of viable production systems.

Conclusion

I accept the NZLRI LUC classification and do not seek to re-categorise the land. My conclusion does not rely on the economic value of non-primary production uses, nor on landholding size alone, but on the inherent biophysical, operational and commercial realities of the site and how this land can perform in a productive way in its constrained environment.

When enduring biophysical constraints, scale limitations, capital servicing requirements and urban-edge effects are properly considered, the land is not economically viable for land-based primary production over a 30-year term.

In my opinion:

- Clause 3.10(1)(a) is satisfied, including because reasonably practicable alternatives do not overcome the identified constraints

- Clause 3.10(1)(a) is also satisfied, as the proposal avoids the significant loss of HPL, the fragmentation of a large and cohesive HPL area, and avoids or otherwise mitigates any potential reserve sensitivity effects on neighboring productive land uses
- In my view, the proposal therefore meets the exemption criteria under Clause 3.10

These conclusions are specific to the Ashbourne Site and arise from its particular soil characteristics, fragmentation, scale and surrounding land-use context.